



Entered on Docket
November 16, 2009

A handwritten signature in black ink, appearing to read "Mike K. Nakagawa".

Hon. Mike K. Nakagawa
United States Bankruptcy Judge

WILDE & ASSOCIATES

Gregory L. Wilde, Esq.
Nevada Bar No. 004417
208 South Jones Boulevard
Las Vegas, Nevada 89107
Telephone: 702 258-8200
bk@wildelaw.com

Fax: 702 258-8787
and

MARK S. BOSCO, ESQ.
Arizona Bar No. 010167
TIFFANY & BOSCO, P.A.
2525 East Camelback Road, Suite 300
Phoenix, Arizona 85016
Telephone: (602) 255-6000

HSBC Bank USA, National Association, as trustee for Nomura Asset Acceptance Corporation Mortgage
Pass-Through Certificates Series 2006-AF1

09-76669

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

Billy J. Smith and Lori Gallineau-Smith

Debtors.

BK-09-23802-mkn

Date: 10/28/09
Time: 1:30pm

Chapter 13

ORDER VACATING AUTOMATIC STAY

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Automatic Stay in the above-entitled bankruptcy proceedings is immediately vacated and extinguished for all purposes as to Secured Creditor HSBC Bank USA, National Association, as trustee for Nomura Asset Acceptance Corporation Mortgage Pass-Through Certificates Series 2006-AF1, its assignees and/or successors in interest, of the subject property, generally described as 3217 Bonassola Ave., North Las Vegas, NV 89031.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor shall give Debtors and Trustee at least five business days' notice of the time, place and date of sale.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Secured Creditor hereby withdraws its secured Proof of Claim filed in this matter. The Secured Creditor shall notify the Trustee of the completion of the foreclosure sale. If applicable, Secured Creditor may thereafter amend its secured Proof of Claim to an unsecured Proof of Claim no later than forty-five (45) days after the foreclosure sale.

///

///

///

///

///

///

///

///

///

///

///

1 IT IS FURTHER ORDERED that in the event a Notice of Default was recorded against this
2 particular property prior to July 1, 2009, the Debtor(s) can promptly submit a copy of this Order to the
3 State of Nevada, Foreclosure Mediation Program and the Order will be construed as an agreement
4 between the Secured Creditor and Debtor(s) that they have voluntarily agreed to a mediation under the
5 Nevada State Foreclosure Mediation Program pursuant to Rule 6 of said program. The necessary
6 information can be accessed at "http://www.nevadajudiciary.us/".
7

8 DATED this ____ day of _____, 2009.

9 Submitted by:

10 **WILDE & ASSOCIATES**

11 By

 #10235

12 **GREGORY L. WILDE, ESQ.**

13 Attorney for Secured Creditor

14 208 South Jones Boulevard

Las Vegas, Nevada 89107

15 APPROVED / DISAPPROVED

16 _____
David Krieger

17 1020 Garces Ave., Suite 100

18 Las Vegas, NV 89101

19 Attorney for Debtor(s)

20 APPROVED / DISAPPROVED

21 _____
Kathleen A Leavitt

22 201 Las Vegas Blvd., So. #200

23 Las Vegas, NV 89101

24 Chapter 13 Trustee
25
26

1 ALTERNATIVE METHOD RE: LOCAL RULE 9021:

2 In accordance with Local Rule 9021, the undersigned counsel certifies as follows (check one):

3 ☐ The court waived the requirements of LR 9021.

4 ☒ No parties appeared or filed written objections, and there is no trustee appointed in the case.

5 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any
6 unrepresented parties who appeared at the hearing, and any trustee appointed in this case,
and each has approved or disapproved the order, or failed to respond, as indicated below
(list each party and whether the party has approved, disapproved, or failed to respond to the
document):

7 (List Parties)

8 Debtor's counsel:

9 ☐ approved the form of this order ☐ disapproved the form of this order

10 ☐ waived the right to review the order and/or ☒ failed to respond to the document

11 ☐ appeared at the hearing, waived the right to review the order

12 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

13 Trustee:

14 ☐ approved the form of this order ☐ disapproved the form of this order

15 ☐ waived the right to review the order and/or ☒ failed to respond to the document

16 Other Party: _____

17 ☐ approved the form of this order ☐ disapproved the form of this order

18 ☐ waived the right to review the order and/or ☐ failed to respond to the document

19 Breach Order:

20 ☐ This is an Order Vacating the Stay after the Failure to cure a Declaration of Breach. Copies of
21 this proposed order were transmitted to Debtor's counsel and appointed trustee to which
22 they have not replied

23
24 Submitted by:

25 /s/ Gregory L. Wilde, Esq.

Gregory L. Wilde, Esq.

26 Attorney for Secured Creditor